

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings include changes to Figures 3-5. The attached "Replacement Sheets," which include Figures 3-5, replace the original sheets including Figures 3-5.

Attachment: Replacement Sheets

### **REMARKS**

Claims 10-24 are presently pending in the application. Claims 10-24 are rejected. Claims 10 and 17 have been amended.

Reconsideration of the objections and rejections set forth in the aforementioned Office Action is respectfully requested in view of the following remarks. The basis for the amendments can be found throughout the Specification, Claims and Drawings as originally filed.

### **INTERVIEW SUMMARY**

The Applicant would like to thank the Examiner for the courtesies extended to his representative, Donald G. Walker, during a telephonic interview conducted on September 28, 2006. During the interview, the Examiner noted that she was able to review the provisional patent application serial no. 60/455,890 and that support was found for the requested drawing and specification amendments. In addition, the Examiner indicated that the § 112 rejections would be withdrawn. Furthermore, the Examiner indicated that the prior art does not teach or suggest a cover as defined by claims 14 or 22.

### **DRAWINGS**

The drawings stand objected to for a number of informalities.

The Applicant has revised Figures 3-5 to correct the informalities and properly depict the location of apertures 80 in guard 42. The Applicant respectfully relies on the provisional application serial no. 60/455,890 filed March 8, 2003 for support of the

drawing amendments. Accordingly, the Applicant respectfully requests withdrawal of the objections to the drawings and that the replacement sheets be entered.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 14 and 22 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the cover does not reasonably provide enablement for the guard plate including a plurality of apertures having portions of the shield positioned in the apertures.

The Applicants respectfully rely on the provisional patent application serial no. 60/455,890 for support of claims 14 and 22. During the telephonic interview conducted on September 28, 2006, the Examiner agreed to withdraw the § 112 rejection.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rullmann et al. (US 6,370,751). Claims 10, 11, 15-19, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halliday, Jr. et al. (US 4,815,884). Claims 12, 13, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halliday, Jr. et al. (US 4,815,884).

The Applicants have amended claim 10 to note that the guard plate includes an aperture at least partially filled by a portion of the shield. The Applicant respectfully submits that Rullmann et al. does not teach or suggest a cover for an axle seal aperture as defined by currently amended claim 10. Support for the amendment to claim 10 may be found in the provisional application as well as claim 8 of the originally filed application. Accordingly, the Applicant respectfully requests withdrawal of the rejections to claims 10-13.

Regarding claims 14-16, a cover for an axle seal is recited including a guard plate having a plurality of apertures with portions of the shield positioned in the apertures. The Applicant respectfully submits that none of the references cited by the Examiner either solely or in combination with one another teach or suggest the cover as defined by previously presented claims 14-16. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections.

Regarding claims 17-21, the Applicant has amended claim 17 to note that the shield has a first portion and detachable second portion, the first portion being coupled to the guard structure and at least partially extending into an aperture formed in the guard structure in combination with the other limitations of claim 17. The Applicant respectfully submits that none of the references cited, either solely or in combination with one another, teach or suggest a cover as defined by currently amended claim 17. Therefore, the Applicant respectfully requests withdrawal of the § 103 rejections.

Regarding claims 22-24, claim 22 recites a guard structure including a plurality of apertures having portions of the shield positioned in the apertures. The cited prior art does not teach or suggest such a cover. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections.


#### **CONCLUSION**

All of the grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance.

If it is believed that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600. Prompt and favorable consideration of this amendment is respectfully requested.

Please charge any fees that may be due to Deposit Account No. 07-0960.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan L. Thompson", is written over a horizontal line.

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